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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,682	04/20/2001	Gary J. Sullivan	MSI-518US	1804
22801	7590	07/02/2004	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			LE, VU	
			ART UNIT	PAPER NUMBER
			2613	5
DATE MAILED: 07/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/839,682

Applicant(s)

SULLIVAN ET AL.

Examiner

Vu Le

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-24 is/are allowed.
- 6) ☒ Claim(s) 25 and 32-36 is/are rejected.
- 7) ☒ Claim(s) 26-31 and 37-39 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claim 29 is objected to because of the following informalities:
  - a. Claim 29, line 1, "the auto-negotiation data structure(s)" lacks proper antecedent basis. It should refer back to claim 26 to make it proper. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 25, 32-33, 34-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Ferriere, US 6,278,478.

Re claim 34, Ferriere discloses a computing system (fig. 1) comprising: a plurality of non-integrated media processing system elements, to receive and process media content (fig. 1, Summary Of The Invention); and an application program interface (API), communicatively coupling the non-integrated media processing system elements, to automatically negotiate a media processing standard acceptable to each of the plurality

Art Unit: 2613

of non-integrated media processing system standards, and to dynamically generate data structures to facilitate media processing by the system elements (col. 4, lines 19-26, col. 8, line 59 to col. 9, line 40).

Re claim 35, a computing system according to claim 34, the non-integrated media processing system elements comprising: one or more media processing application(s) of a plurality of media processing applications to receive and processing media content in accordance with one or more media processing standards; and one or more hardware accelerator(s) of a plurality of hardware accelerators to perform one or more media processing tasks in accordance with one or more media processing standards. (See fig. 1:36-38, Summary Of The Invention).

Re claim 36, a computing system according to claim 34, wherein the API also negotiates a split in media processing among the media processing system elements based, at least in part, on an identified media processing capability of the media processing system elements. (See col. 4, lines 8-26, col. 12, lines 3-43).

Re claim 25, this claim is a method claim that corresponds to the system claim of 34. Thus, it has been analyzed and rejected in view of claim 34. Also, it is evidenced in Ferriere that the invention is intended for a system and method of implementation (see fig. 1, col. 3, lines 54-63).

Re claim 32, a media processing system comprising: a storage medium including a plurality of executable instructions; and an execution unit, coupled to the storage medium, to execute at least a subset of the plurality of executable instructions to implement a method according to claim 25. (See fig. 1: 35-38).

Re claim 33, a storage medium comprising a plurality of executable instructions which, when executed, implement a method according to claim 25. (See fig. 1: 35-38).

***Allowable Subject Matter***

4. Claims 1-24 are allowed.

5. The following is an examiner's statement of reasons for allowance:

For claim 1, also representative of claims 2-16, the prior art of record fails to anticipate or render obvious the claimed limitations of:

“residual difference data structures including residual difference information for encoded multimedia content”;

For claim 17, also representative of claims 18-23, 24, the prior art of record fails to anticipate or render obvious the claimed limitations of:

“application program interface (API) comprising: one or more auto-negotiation data structures, dynamically generated by the API to negotiate at least a set of processing standards among and between one or more elements of a media processing system; and one or more operational data structures, dynamically generated by the API to support processing of media content among and between the media processing system elements in accordance with the negotiated processing standard(s)”;

6. Claims 26-31, 37-39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Contact**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vu Le whose telephone number is 703-308-6613. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 703-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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